

REMARKS

Claims in the case are 34-36, upon entry of this amendment. Claim 34 has been amended, and Claims 10, 22, 23, 25, 27 and 28 have been cancelled herein without prejudice. No claims have been added herein. Applicants may take appropriate further action relative to Claims 10, 22, 23, 25, 27 and 28 in due course.

Claims 24, 26 and 29-33 were previously cancelled without prejudice in an Amendment dated 14 October 2004. Claims 1-9 and 11-21 were previously cancelled without prejudice in a Preliminary Amendment dated 2 March 2004.

Applicants note with appreciation the withdrawal of the previous rejection of Claims 10, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,182,169 (**Fukuda et al**), in light of Applicants' preceding amendment incorporating the subject matter of Claim 24 into Claim 10. This withdrawal is recited on page 2 of the Office Action of 21 December 2004.

Applicants note with appreciation the withdrawal of the previous rejection of Claims 10, 22, 23 and 25 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,560,751 (**Hoshiyama**), in light of Applicants' previous arguments and amendments. This withdrawal is recited on page 2 of the Office Action of 21 December 2004.

Applicants note with appreciation the withdrawal of the previous rejection of Claims 10 and 22-25 under 35 U.S.C. § 102(b) as being anticipated by Great Britain Patent Specification No. 1,559,627 (**Schäfer et al**), in light of Applicants' previous amendment. This withdrawal is recited on page 3 of the Office Action of 21 December 2004.

Applicants note with appreciation the withdrawal of the previous rejection of Claim 34 as being unpatentable under 35 U.S.C. § 103(a) over United States Patent No. 4,089,765 (**Dudley**). This withdrawal is recited on page 4 of the Office Action of 21 December 2004.

Claim 10 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,667,891 (**Batzar et al**). In light of the cancellation of Claims 10, 22, 23, 25, 27 and 28 herein, the present rejection is deemed to be moot.

Claims 10, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. In light of the cancellation of Claims 10, 22, 23, 25, 27 and 28, the present rejection is deemed to be moot.

Claims 10, 22, 23 and 25 Stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,051,645 (**Suzuki et al.**). In light of the cancellation of Claims 10, 22, 23, 25, 27 and 28, the present rejection is deemed to be moot.

Claims 10, 22, 23, 25, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoshiyama in view of United States Patent No. 5,432,568 (**Betz et al.**). In light of the cancellation of Claims 10, 22, 23, 25, 27 and 28, the present rejection is deemed to be moot.

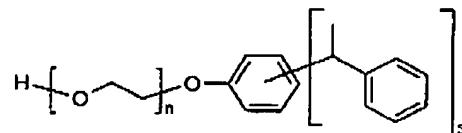
Claims 34-36 stand objected to relative to certain informalities as recited on pages 6 and 7 of the Office Action of 21 December 2004. In light of the amendments herein, this objection is respectfully traversed.

The wherein clause of Claim 34 has been amended herein to replace "prepare" with --prepared--. In addition, step (i) of the wherein clause of Claim 34 has been amended to delete the term "optionally."

In light of the amendments herein and the preceding remarks, the present objection of Claims 34-36 is deemed to have been overcome. Reconsideration and withdrawal of the present objection is respectfully requested.

Claims 10 and 34 stand objected to with regard to the term "poly(oxy-1,2-ethanediyl), alpha-phenyl-omega-hydroxy, styrenated." This objection is respectfully traversed with regard to the following remarks.

Applicants submit that the emulsifier poly(oxy-1,2-ethanediyl), alpha-phenyl-omega-hydroxy, styrenated is represented by the following general formula.



In addition, the emulsifier poly(oxy-1,2-ethanediyl), alpha-phenyl-omega-hydroxy, styrenated has the following Chemical Abstracts number, CAS No. 104376-75-2.

In light of the preceding remarks, the meaning of the term "poly(oxy-1,2-ethanediyl), alpha-phenyl-omega-hydroxy, styrenated" is deemed to have been sufficiently described. Reconsideration and withdrawal of the present objection is respectfully requested.

Applicants note with appreciation the indication as to the allowability of Claims 34-36 on page 7 of the Office Action of 21 December 2004. In light of the amendments and preceding remarks herein, Claims 34-36 are deemed to be in condition for allowance.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By 
James R. Franks
Agent for Applicants
Reg. No. 42,552

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3808
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\kgb\jrf359amf1